

Remarks

Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. Claims 1, 4, 6, 9, 11, 14, 16, 20 and 24 have been amended. No claims have been added or canceled. Thus, claims 1-28 are pending.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-3, 5-8, 10-13, 15, 16, 20, 22, 24-26 and 28 were rejected as being anticipated by International Patent Application WO 01/20864 by Tzannes (hereinafter "*Tzannes*"). For at least the reasons set forth below, Applicant submits that claims 1-3, 5-8, 10-13, 15, 16, 20, 22, 24-26 and 28 are not anticipated by *Tzannes*.

Claim 1 recites the following:

transmitting a communication stream with a first proportion of voice signals to data signals when a telephone coupled to receive the communication stream is in a first state, wherein the voice signal comprises a voice channel that includes both audio signals and line signals corresponding to the voice channel; and

transmitting the communication stream with a second proportion of voice signals to data signals when the telephone is in a second state, wherein the voice signals includes line signals corresponding to the voice channel and no audio signals from the telephone and further wherein bandwidth used for the audio signals when the telephone is in the first state is used for data signals when the telephone is in the second state.

Thus, Applicant claims providing a voice channel in a communications stream when a telephone is in a first state and the communications stream carries line signals and no audio signals when the telephone is in a second state. See, for example, Figure 2b and related description. Claim 6 is directed to an article and recites similar limitations.

Tzannes discloses multiple application profiles that can include one or more voice channels. See pages 14-15. However, *Tzannes* does not disclose transmission of line signals. More specifically, *Tzannes* does not disclose providing a voice channel in a communications stream when a telephone is in a first state and the communications stream carries line signals and no audio signals when the telephone is in a second state. Therefore, *Tzannes* does not disclose the invention as claimed in claims 1 and 6.

Claims 2, 3 and 5 depend from claim 1. Claims 7, 8 and 10 depend from claim 6. Because dependent claims include the claims from which they depend, Applicants submit that claims 2, 3, 5, 7, 8 and 10 are not anticipated by *Tzannes* for at least the reasons set forth above.

Claim 11 recites the following:

A propagated signal that carries content to one or more electronic devices, the propagated signal comprising a communication stream with a first proportion of voice signals to data signals when a telephone coupled to receive the communication stream is in a first state, wherein the voice signal comprises a voice channel that carries both sampled audio and line signals and the communication stream having a second proportion of voice signals to data signals when the telephone is in a second state, wherein the voice signal includes line signals and no audio signals from the telephone and further wherein bandwidth used for the sampled audio when the telephone is in the first state is used for data signals when the telephone is in the second state.

Thus, Applicant claims a propagated signal in which a voice channel is carried when a telephone is in a first state and when line signals and no audio are carried when the telephone is in a second state.

As discussed above, *Tzannes* does not disclose providing a voice channel in a communications stream when a telephone is in a first state and the communications

stream carries line signals and no audio signals when the telephone is in a second state.

Therefore, *Tzannes* does not disclose the invention as claimed in claim 11.

Claims 12, 13 and 15 depend from claim 11. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claims 12, 13 and 15 are not anticipated by *Tzannes* for at least the reasons set forth above.

Claim 16 recites:

a framer coupled to the control circuit and to the telephone, the framer to allot a first bandwidth for telephone communication when the telephone is in the first state and to allot a second bandwidth for telephone communication when the telephone is in the second state, wherein the first bandwidth comprises a voice channel that includes a portion for audio signals and a portion for line signals and the second bandwidth comprises line signals and further wherein portion for audio signals is allotted for data transmission when the telephone is in the second state.

Thus, Applicant claims a framer that allots bandwidth that is used for audio signals when a telephone is in a first state and for data transmission when the telephone is in a second state. Claims 20 and 24 recite similar limitations.

As discussed above, *Tzannes* does not disclose allotting bandwidth that is used for audio signals when a telephone is in a first state and for data transmission when the telephone is in a second state. Therefore, *Tzannes* does not anticipate the invention as claimed in claims 16, 20 and 24.

Claim 22 depends from claim 20. Claims 25, 26 and 28 depend from claim 24. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claims 22, 25, 26 and 28 are not anticipated by *Tzannes* for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. § 103(a)


Claims 4, 9, 14, 17, 19, 21, 23, 27 and 28 were rejected as being unpatentable over *Tzannes*. Each of claims 4, 9, 14, 17, 19, 21, 23, 27 and 28 depends from an independent claim discussed above. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claims 4, 9, 14, 17, 19, 21, 23, 27 and 28 are not anticipated by *Tzannes* for at least the reasons set forth above.

Conclusion

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-28 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Attachments

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Appendix: Drawing Sheets

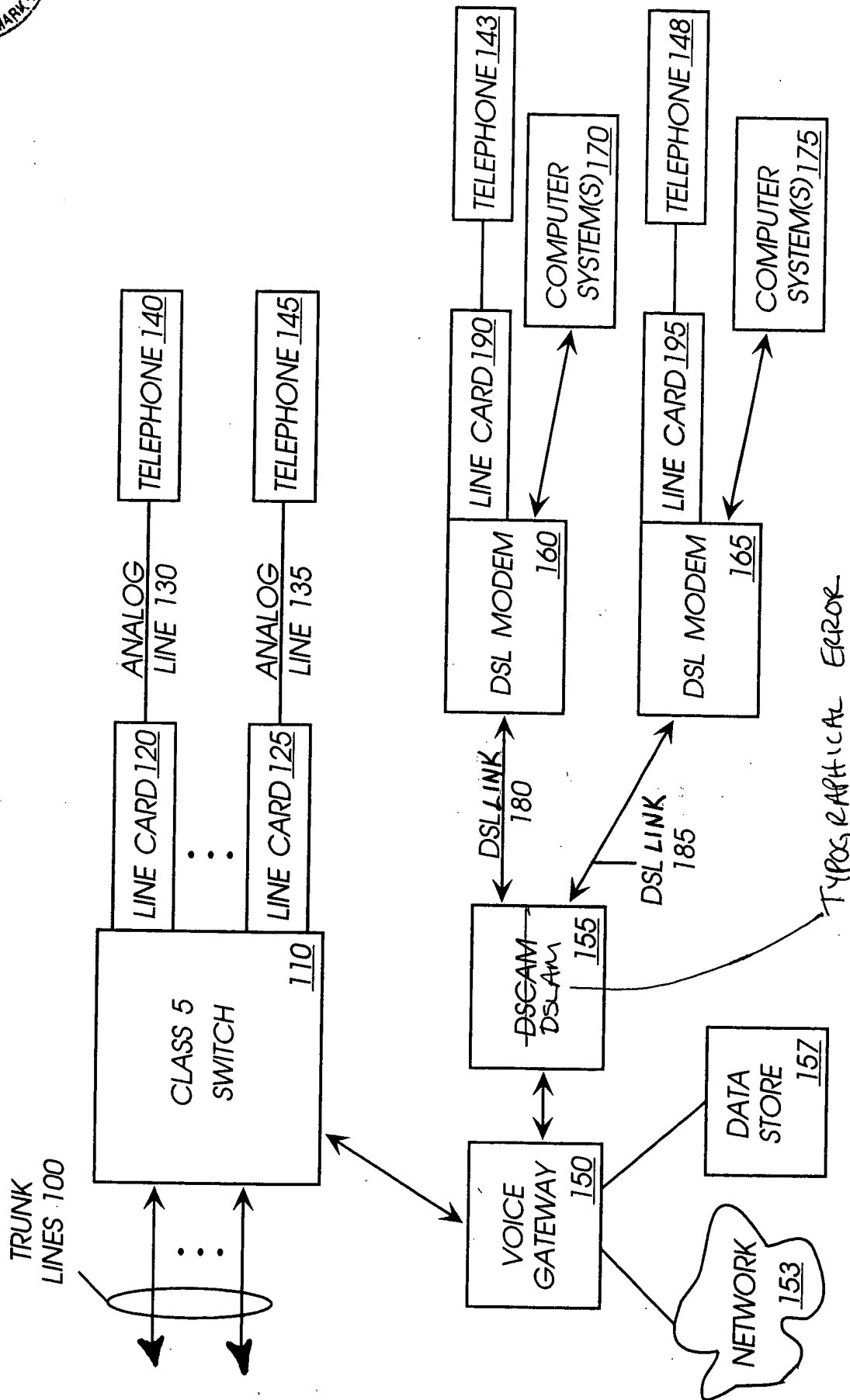


FIG. 1